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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,398	11/21/2001	Toshiyuki Mamiya	109785.03	1352

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EXAMINER

NERBUN, PETER P

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 08/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,398

Applicant(s)

MAMIYA, TOSHIYUKI

Examiner

Peter P Nerbun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-20 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,6,7. 6) ☐ Other:

Claims 11-20 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 11 and its dependent claims are allowed because claim 11 specifically requires a sewing cartridge comprising a needle and a thread holding member that holds at least a part of a thread, caused to remain in a workpiece by a thread holding force of the workpiece, connecting two consecutive stitch points in accordance with a relative movement between a needle and a work. In this regard note that the recitation of a "cartridge" in the claim preamble is deemed essential to point out the invention defined by claims to an apparatus comprising a needle and a thread holding member that holds at least a part of a thread connecting two consecutive stitch points in accordance with a relative movement between a needle and a work. It is only by the recitation of a "cartridge" that it can be known that the subject matter defined by the claims is comprised of a case that holds a needle and a thread holding member that holds at least a part of a thread connecting two consecutive stitch points in accordance with a relative movement between a needle and a work. . Therefore, the preamble serves to further define the structure of the article produced. See *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Claims 16 and its dependent claims are allowed because claim 16 specifically requires a sewing cartridge comprising a needle and a presser foot that holds at least a part of the thread from a stitch point where a stitch has been made to a next stitch point where a stitch is being made. As noted above, the recitation of a "cartridge" in the claim preamble is

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deemed essential to point out the invention defined by claims to an apparatus comprising a needle and a presser foot that holds at least a part of the thread from a stitch point where a stitch has been made to a next stitch point where a stitch is being made. It is only by the recitation of a "cartridge" that it can be known that the subject matter defined by the claims is comprised of a case that holds a needle and a presser foot that holds at least a part of the thread from a stitch point where a stitch has been made to a next stitch point where a stitch is being made.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Short. The patent to Short discloses a sewing apparatus where sewing is performed by causing a thread to remain in a workpiece, comprising a needle 24, Figs. 1, 8 that moves up and down to pass the thread 40 into the workpiece, a workpiece moving device 8, 10 that relatively moves the workpiece with respect

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to the needle and a holding member 18, Fig. 1 that holds at least a part of the thread connecting two consecutive stitch points in accordance with a relative movement between the needle and the workpiece. In this regard note that the verb "hold" is defined as to "keep under restraint". The presser member 18 keeps the thread connecting two consecutive stitch points under restraint since the presser member 18 restrains the thread and the work held thereby from moving substantially upward.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P Nerbun whose telephone number is 703-308-0955. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-0758 for regular communications and - for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

Peter Nerbun
August 10, 2003


Peter Nerbun
Primary Examiner